

the Members will rise, the Chair will now administer the oath of office."

The Members-elect, Delegates-elect and Resident Commissioner, then rose in their places and took the oath of office prescribed by law.

¶1.10 SELECTION OF MAJORITY AND MINORITY LEADERS

Mr. BOEHNER notified the House of the selection of the Republican Conference of Mr. ARMEY as majority leader.

Mr. FAZIO notified the House of the selection by the Democratic Caucus of Mr. GEPHARDT as minority leader.

¶1.11 SELECTION OF MAJORITY AND MINORITY WHIPS

Mr. BOEHNER notified the House of the selection of Mr. DELAY as majority whip.

Mr. FAZIO notified the House of the selection of Mr. BONIOR as minority whip.

¶1.12 ORGANIZATIONAL RESOLUTION—ELECTION OF OFFICERS

Mr. BOEHNER submitted the following privileged resolution (H. Res. 1):

Resolved, That Robin H. Carle, of the Commonwealth of Virginia, be, and she is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livingood, of the Commonwealth of Virginia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That Scott M. Faulkner, of the State of West Virginia, be, and he is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Reverend James David Ford, of the Commonwealth of Virginia, be, and he is hereby, chosen Chaplain of the House of Representatives.

When said resolution was considered.

Mr. FAZIO demanded that the resolution be divided for a separate vote on the nominee for Chaplain of the House. The resolution was divided.

The Reverend James David Ford of the Commonwealth of Virginia was elected Chaplain of the House of Representatives.

Mr. FAZIO then submitted the following substitute for the remainder of the resolution:

That Thomas O'Donnell, of the State of Maryland, be, and he is hereby, chosen Clerk of the House of Representatives;

That George Kundanis, of the District of Columbia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Marti Thomas, of the District of Columbia, be, and she is hereby, chosen Chief Administrative Officer of the House of Representatives.

The substitute was not agreed to.

The question being put, viva voce,

Will the House agree to the remainder of said resolution?

The SPEAKER announced that the yeas had it.

So the remainder of said resolution was agreed to.

Whereupon, Robin H. Carle of the Commonwealth of Virginia, Clerk; Wilson S. Livingood of the Commonwealth of Virginia, Sergeant at Arms; Scott

M. Faulkner of the State of West Virginia, Chief Administrative Officer; and the Reverend James David Ford of the Commonwealth of Virginia, Chaplain; presented themselves at the bar of the House and took the oath of office prescribed by law.

¶1.13 NOTIFICATION OF THE SENATE OF ORGANIZATION OF THE HOUSE

Mr. ARMEY submitted the following privileged resolution, which was considered and agreed to (H. Res. 2):

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that NEWT GINGRICH, a Representative from the State of Georgia, has been elected Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, has been elected Clerk of the House of Representatives of the One Hundred Fourth Congress.

¶1.14 COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. ARMEY submitted the following privileged resolution, which was considered and agreed to (H. Res. 3):

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The SPEAKER, pursuant to the foregoing resolution, announced the appointment of Messrs. ARMEY and GEPHARDT as members of the committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and that the Congress is ready to receive any communication that he may be pleased to make.

¶1.15 NOTIFICATION TO THE PRESIDENT OF ELECTION OF CERTAIN OFFICERS

Mr. ARMEY submitted the following resolution, which was considered and agreed to (H. Res. 4):

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected NEWT GINGRICH, a Representative from the State of Georgia, Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives of the One Hundred Fourth Congress.

¶1.16 PROVIDING FOR THE CONSIDERATION OF H. RES. 6

Mr. SOLOMON, by direction of the House Republican Conference, called up the following privileged resolution (H. Res. 5):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Fourth Congress. The resolution shall be considered as read. The resolution shall be debatable initially for 30 minutes to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the resolution to final adoption without intervening

motion or demand for division of the question except as specified in sections 2 and 3 of this resolution.

SEC. 2. The question of adopting the resolution shall be divided among nine parts, to wit: each of the eight sections of title I; and title II. Each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees, and shall be disposed of in the order stated.

SEC. 3. Pending the question of adopting the ninth portion of the divided question, it shall be in order to move that the House commit the resolution to a select committee, with or without instructions. The previous question shall be considered as ordered on the motion to commit to final adoption without intervening motion.

When said resolution was considered.

After debate,

Mr. DREIER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER announced that the yeas had it.

Mr. BONIOR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the
affirmative { Yeas 232
Nays 199

¶1.17 [Roll No. 3] YEAS—232

| | | |
|--------------|---------------|---------------|
| Allard | Cremeans | Hastings (WA) |
| Archer | Cubin | Hayworth |
| Arney | Cunningham | Hefley |
| Bachus | Davis | Heineman |
| Baker (CA) | Deal | Herger |
| Baker (LA) | DeLay | Hilleary |
| Ballenger | Diaz-Balart | Hobson |
| Barr | Dickey | Hoekstra |
| Barrett (NE) | Doolittle | Hoke |
| Bartlett | Dornan | Horn |
| Barton | Dreier | Hostettler |
| Bass | Duncan | Houghton |
| Bateman | Dunn | Hunter |
| Bereuter | Ehlers | Hutchinson |
| Bilbray | Ehrlich | Hyde |
| Bilirakis | Emerson | Inglis |
| Bliley | English | Istook |
| Blute | Ensign | Johnson (CT) |
| Boehlert | Everett | Johnson, Sam |
| Boehner | Ewing | Jones |
| Bonilla | Fawell | Kasich |
| Bono | Fields (TX) | Kelly |
| Brewster | Flanagan | Kim |
| Brownback | Foley | King |
| Bryant (TN) | Forbes | Kingston |
| Bunn | Fowler | Klug |
| Bunning | Fox | Knollenberg |
| Burr | Franks (CT) | Kolbe |
| Burton | Franks (NJ) | LaHood |
| Buyer | Frelinghuysen | Largent |
| Callahan | Frisa | Latham |
| Calvert | Funderburk | LaTourette |
| Camp | Gallegly | Lazio |
| Canady | Ganske | Leach |
| Castle | Gekas | Lewis (CA) |
| Chabot | Gilchrest | Lewis (KY) |
| Chambliss | Gillmor | Lightfoot |
| Chenoweth | Gilman | Linder |
| Christensen | Goodlatte | Livingston |
| Chrysler | Goodling | LoBiondo |
| Clinger | Goss | Longley |
| Coble | Graham | Lucas |
| Coburn | Greenwood | Manzullo |
| Collins (GA) | Gunderson | Martini |
| Combest | Gutknecht | McCollum |
| Cooley | Hall (TX) | McCrery |
| Cox | Hancock | McDade |
| Crane | Hansen | McHugh |
| Crapo | Hastert | McInnis |

| | | |
|-------------|---------------|-------------|
| McIntosh | Riggs | Stockman |
| McKeon | Roberts | Stump |
| Metcalf | Rogers | Talent |
| Meyers | Rohrabacher | Tate |
| Mica | Ros-Lehtinen | Tauzin |
| Miller (FL) | Roth | Taylor (NC) |
| Molinari | Roukema | Thomas |
| Moorhead | Royce | Thornberry |
| Morella | Salmon | Tiahrt |
| Myers | Sanford | Torkildsen |
| Myrick | Saxton | Upton |
| Nethercutt | Scarborough | Vucanovich |
| Neumann | Schaefer | Waldholtz |
| Ney | Schiff | Walker |
| Norwood | Seastrand | Walsh |
| Nussle | Sensenbrenner | Wamp |
| Oxley | Shadegg | Weldon (FL) |
| Packard | Shaw | Weldon (PA) |
| Paxon | Shays | Weller |
| Petri | Shuster | White |
| Pombo | Skeen | Whitfield |
| Porter | Smith (MI) | Wicker |
| Portman | Smith (NJ) | Wolf |
| Pryce | Smith (TX) | Young (AK) |
| Quillen | Smith (WA) | Young (FL) |
| Quinn | Solomon | Zeliff |
| Radanovich | Souder | Zimmer |
| Ramstad | Spence | |
| Regula | Stearns | |

NAYS—199

| | | |
|--------------|-----------------|---------------|
| Abercrombie | Gordon | Owens |
| Ackerman | Green | Pallone |
| Andrews | Gutierrez | Parker |
| Baessler | Hall (OH) | Pastor |
| Baldacci | Hamilton | Payne (NJ) |
| Barcia | Harman | Payne (VA) |
| Barrett (WI) | Hastings (FL) | Pelosi |
| Becerra | Hayes | Peterson (FL) |
| Beilenson | Hefner | Peterson (MN) |
| Bentsen | Hilliard | Pickett |
| Berman | Hinchey | Pomeroy |
| Bevill | Holden | Poshard |
| Bonior | Hoyer | Rahall |
| Borski | Jacobs | Rangel |
| Boucher | Jefferson | Reed |
| Browder | Johnson (SD) | Reynolds |
| Brown (CA) | Johnson, E. B. | Richardson |
| Brown (FL) | Johnston | Rivers |
| Brown (OH) | Kanjorski | Roemer |
| Bryant (TX) | Kaptur | Rose |
| Cardin | Kennedy (MA) | Roybal-Allard |
| Chapman | Kennedy (RI) | Rush |
| Clay | Kennelly | Sabo |
| Clayton | Kildee | Sanders |
| Clement | Klecza | Sawyer |
| Clyburn | Klink | Schroeder |
| Coleman | LaFalce | Schumer |
| Collins (IL) | Lambert-Lincoln | Scott |
| Collins (MI) | Lantos | Serrano |
| Condit | Laughlin | Sisisky |
| Conyers | Levin | Skaggs |
| Costello | Lewis (GA) | Skelton |
| Coyne | Lipinski | Slaughter |
| Cramer | Lofgren | Spratt |
| Danner | Lowe | Stark |
| de la Garza | Luther | Stenholm |
| DeFazio | Maloney | Stokes |
| DeLauro | Manton | Studds |
| Dellums | Markey | Stupak |
| Deutsch | Martinez | Tanner |
| Dicks | Mascara | Taylor (MS) |
| Dingell | Matsui | Tejeda |
| Dixon | McCarthy | Thompson |
| Doggett | McDermott | Thornton |
| Dooley | McHale | Thurman |
| Doyle | McKinney | Torres |
| Durbin | McNulty | Torricelli |
| Edwards | Meehan | Towns |
| Engel | Meek | Trafigant |
| Eshoo | Menendez | Tucker |
| Evans | Mfume | Velazquez |
| Farr | Miller (CA) | Vento |
| Fattah | Mineta | Visclosky |
| Fazio | Minge | Volkmer |
| Fields (LA) | Mink | Ward |
| Filner | Moakley | Waters |
| Flake | Mollohan | Watt (NC) |
| Foglietta | Montgomery | Waxman |
| Ford | Moran | Williams |
| Frank (MA) | Murtha | Wilson |
| Frost | Nadler | Wise |
| Furse | Neal | Woolsey |
| Gejdenson | Oberstar | Wyden |
| Gephardt | Obey | Wynn |
| Geren | Oliver | Yates |
| Gibbons | Ortiz | |
| Gonzalez | Orton | |

NOT VOTING—3

| | | |
|--------|----------|-------------|
| Bishop | Gingrich | Jackson-Lee |
|--------|----------|-------------|

So the previous question on the resolution was ordered.

Mr. BONIOR moved to commit the resolution to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

Strike all after the resolving clause and insert:

That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H.Res.) adopting the Rules of the House of Representatives for the One Hundred Fourth Congress, [captioned Committee Print on H.Res. , bearing the date of January 4, 1995], as modified by the amendment printed in section 4 of this resolution. The resolution, as modified, shall be debatable initially for 30 minutes to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the resolution, as modified, to final adoption without intervening motion or demand for division of the question except as specified in sections 2 and 3 of this resolution.

Sec. 2. The question of adopting the resolution, as modified, shall be divided among ten parts, to wit: each of the nine sections of title I; and then title II. Each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees, and shall be disposed of in the order stated.

Sec. 3. Pending the question of adopting the tenth portion of the divided question, it shall be in order to move that the House commit the resolution, as modified, to a select committee, with or without instructions. The previous question shall be considered as ordered on the motion to commit to final adoption without intervening motion.

Sec. 4. At the end of Title I add the following new section:

Sec. (109) The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto as may otherwise have been adopted, are adopted as the Rules of the One Hundred Fourth Congress, with the following amendment:

BAN ON GIFTS FROM LOBBYISTS

(a) Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a paid lobbyist, a lobbying firm (a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity), or an agent of a Foreign principal (as defined in the foreign Agents Registration Act of 1938).

"(2) The prohibition in subparagraph (1) includes the following:

"(A) Anything provided by a lobbyist or a foreign agent which the Member, officer, or employee has reason to believe is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

"(B) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee.

"(C) A charitable contribution (as defined in section 170(c) of the Internal Revenue

Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

"(D) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(E) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a Member, officer, or employee.

"(F) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

"(3) The following are not gifts subject to the prohibition in subparagraph (1):

"(A) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

"(B) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(C) Food or refreshments of nominal value offered other than as part of a meal.

"(D) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee, if such benefits are customarily provided to others in similar circumstances.

"(E) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(F) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(4)(A) A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (1).

"(B) A gift shall not be considered to be given for a nonbusiness purpose if the Member, officer, or employee has reason to believe the individual giving the gift will seek—

"(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

"(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

"(C) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

"(ii) Whether the Member, officer, or employee has reason to believe the gift was purchased by the individual who gave the item.

"(iii) Whether the Member, officer, or employee has reason to believe the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"(b) In addition to the restriction on receiving gifts from paid lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

"(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(d) The restrictions in paragraph (b) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than \$20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee

welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

"(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may ac-

cept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept a gift the value of which exceeds \$250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1995 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (d)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

"(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(A) the name of the employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel—

"(i) for a period not exceeding 4 days including travel time within the unanimous consent or 7 days in addition to travel outside the United States; and

"(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of re-

imbursement filed pursuant to subparagraph (1) as soon as possible after they are received."

SEC. . LIMITATION ON ROYALTY INCOME.

(a) LIMITATION.—Clause 3 of rule XLVII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(g) In calendar year 1995 or thereafter, a Member, officer, or employee of the House may not—

"(1) receive any copyright royalties for any work—

"(A) unless the royalty is received from an established publisher pursuant to usual and customary contractual terms;

"(B) unless the total amount of such royalties for that work does not exceed one-third of that individual's annual pay as a Member, officer, or employee for the year in which the contract is entered into; and

"(C) without the prior notification and approval of the contract for that work by the Committee on Standards of Official Conduct; or

"(2) receive any advance payment for any such work."

(b) CONFORMING AMENDMENT.—Clause 3(e)(5) of rule XLVII of the Rules of the House of Representatives is amended to read as follows:

"(5) copyright royalties."

(c) EFFECTIVE DATE.—The amendments made by this resolution shall apply only to copyright royalties received by any Member, officer, or employee of the House after adoption of this resolution pursuant to any contract entered into while that individual is such a Member, officer, or employee.

By unanimous consent, the previous question was ordered on the motion to commit with instructions.

The question being put, viva voce,

Will the House commit said resolution with instructions?

The SPEAKER announced the nays had it.

Mr. BONIOR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

| | | | |
|-----------------------|---|------------|-----|
| It was decided in the | { | Yeas | 196 |
| negative | | Nays | 235 |

11.18

[Roll No. 4]

YEAS—196

| | | |
|--------------|-------------|----------------|
| Abercrombie | Condit | Frank (MA) |
| Ackerman | Conyers | Frost |
| Andrews | Costello | Furse |
| Baldacci | Coyne | Gejdenson |
| Barcia | Cramer | Gephardt |
| Barrett (WI) | Danner | Geren |
| Becerra | de la Garza | Gibbons |
| Beilenson | DeFazio | Gonzalez |
| Bentsen | DeLauro | Gordon |
| Berman | Dellums | Green |
| Bevill | Deutsch | Gutierrez |
| Bishop | Dicks | Hall (OH) |
| Bonior | Dingell | Hamilton |
| Borski | Dixon | Harman |
| Boucher | Doggett | Hastings (FL) |
| Browder | Doyle | Hefner |
| Brown (CA) | Durbin | Hilliard |
| Brown (FL) | Edwards | Hinchey |
| Brown (OH) | Engel | Holden |
| Bryant (TX) | Eshoo | Hoyer |
| Cardin | Evans | Jackson-Lee |
| Chapman | Farr | Jacobs |
| Clay | Fattah | Jefferson |
| Clayton | Fazio | Johnson (SD) |
| Clement | Fields (LA) | Johnson, E. B. |
| Clyburn | Filner | Johnston |
| Coleman | Flake | Kanjorski |
| Collins (IL) | Foglietta | Kaptur |
| Collins (MI) | Ford | Kennedy (MA) |

| | | |
|-----------------|---------------|-------------|
| Kennedy (RI) | Murtha | Sisisky |
| Kennelly | Nadler | Skaggs |
| Kildee | Neal | Skelton |
| Kleccka | Oberstar | Slaughter |
| Klink | Obey | Spratt |
| LaFalce | Oliver | Stark |
| Lambert-Lincoln | Ortiz | Stenholm |
| Lantos | Orton | Stokes |
| Levin | Owens | Studds |
| Lewis (GA) | Pallone | Stupak |
| Lipinski | Parker | Taylor (MS) |
| Lofgren | Pastor | Tejeda |
| Lowey | Payne (NJ) | Thompson |
| Luther | Payne (VA) | Thornton |
| Maloney | Pelosi | Thurman |
| Manton | Peterson (FL) | Torres |
| Markey | Peterson (MN) | Torricelli |
| Martinez | Pickett | Towns |
| Mascara | Pomeroy | Trafficant |
| Matsui | Poshards | Tucker |
| McCarthy | Rahall | Velazquez |
| McDermott | Rangel | Vento |
| McHale | Reed | Visclosky |
| McKinney | Reynolds | Volkmer |
| McNulty | Richardson | Ward |
| Meehan | Rivers | Waters |
| Meek | Roemer | Watt (NC) |
| Menendez | Rose | Waxman |
| Mfume | Roybal-Allard | Williams |
| Miller (CA) | Rush | Wilson |
| Mineta | Sabo | Wise |
| Minge | Sanders | Woolsey |
| Mink | Sawyer | Wyden |
| Moakley | Schroeder | Wynn |
| Mollohan | Schumer | Yates |
| Montgomery | Scott | |
| Moran | Serrano | |

NAYS—235

| | | |
|--------------|---------------|--------------|
| Allard | Duncan | Kim |
| Archer | Dunn | King |
| Armey | Ehlers | Kingston |
| Bachus | Ehrlich | Klug |
| Baessler | Emerson | Knollenberg |
| Baker (CA) | English | Kolbe |
| Baker (LA) | Ensign | LaHood |
| Ballenger | Everett | Largent |
| Barr | Ewing | Latham |
| Barrett (NE) | Fawell | LaTourette |
| Bartlett | Fields (TX) | Laughlin |
| Barton | Flanagan | Lazio |
| Bass | Foley | Leach |
| Bateman | Forbes | Lewis (CA) |
| Bereuter | Fowler | Lewis (KY) |
| Bilbray | Fox | Lightfoot |
| Bilirakis | Franks (CT) | Linder |
| Bliley | Franks (NJ) | Livingston |
| Blute | Frelinghuysen | LoBiondo |
| Boehlert | Frisa | Longley |
| Boehner | Funderburk | Lucas |
| Bonilla | Gallely | Manzullo |
| Bono | Ganske | Martini |
| Brewster | Gekas | McCollum |
| Brownback | Gilchrest | McCrery |
| Bryant (TN) | Gillmor | McDade |
| Bunn | Gilman | McHugh |
| Bunning | Goodlatte | McInnis |
| Burr | Goodling | McIntosh |
| Burton | Goss | McKeon |
| Buyer | Graham | Metcalfe |
| Callahan | Greenwood | Meyers |
| Calvert | Gunderson | Mica |
| Camp | Gutknecht | Miller (FL) |
| Canady | Hall (TX) | Molinar |
| Castle | Hancock | Moorhead |
| Chabot | Hansen | Morella |
| Chambliss | Hastert | Myers |
| Chenoweth | Hastings (WA) | Myrick |
| Christensen | Hayes | Nethercutt |
| Clinger | Hayworth | Neumann |
| Coble | Hefley | Ney |
| Coburn | Heineman | Nussle |
| Collins (GA) | Herger | Oxley |
| Combest | Hilleary | Packard |
| Cooley | Hobson | Paxon |
| Cox | Hoekstra | Petri |
| Crane | Hoke | Pombo |
| Crapo | Horn | Porter |
| Creameans | Hostettler | Portman |
| Cubin | Houghton | Pryce |
| Cunningham | Hunter | Quillen |
| Davis | Hutchinson | Quinn |
| Deal | Hyde | Radanovich |
| DeLay | Inglis | Ramstad |
| Diaz-Balart | Istook | Regula |
| Dickey | Johnson (CT) | Riggs |
| Dooley | Johnson, Sam | Roberts |
| Doolittle | Jones | Rogers |
| Dornan | Kasich | Rohrabacher |
| Dreier | Kelly | Ros-Lehtinen |